THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24534 OF 2006

Dated: 24th NOVEMBER, 2006.

Between :

B. Jamunarajni .. Petitioner

And

1. The Branch Manager, SBH,
   And another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24534 OF 2006

ORDER :

The petitioner claims to be a tenant in respect of the premises bearing Door No.48-15-9, Pot No.T-1, Sai Sudha Apartments, Third Floor, NAD Kotharoad, Visakhapatnam, belonging to the 2nd respondent herein. It is stated that the 2nd respondent having availed certain loan facilities from the 1st respondent Bank committed default. Consequently, the 1st respondent Bank initiated proceedings under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') and proceeded against the premises in possession of the petitioner which is a secured asset. Apprehending dispossession, the petitioner filed O.S.No.2449 of 2006 on the file of the Court of III-Additional Junior Civil Judge, Visakhapatnam. It appears that the Civil Court granted temporary injunction so far as the 2nd respondent herein is concerned.

In the present writ petition, it is alleged by the petitioner that the 1st respondent is attempting to dispossess the petitioner forcibly.

The learned Counsel appearing for the 1st respondent Bank, under instructions, stated that the notice under Section 13 (2) of the Act was issued on 2-7-2005 followed by notice dated 21-2-2006 under Section 13 (4) of the Act strictly in accordance with the provisions of the Act.

Since admittedly the property in question is a secured asset, the

1st respondent is entitled to proceed against the same for recovery of the amounts due from the 2nd respondent, however, the petitioner who is in possession of the property, shall not be dispossessed without following the procedure prescribed under the Act and the Rules made thereunder.

With the above observation, the Writ Petition is disposed of. No costs.

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G. ROHINI, J.

Dt. 24-11-2006

gbs